

### **REMARKS**

Claims 1-13 are pending in the application. Claims 1, 4 and 10 have been examined and stand rejected. Claims 2, 3, 5-9 and 11-13 are withdrawn from consideration. However, the Examiner has indicated that he will allow all of claims 1-13 if certain indefiniteness in the examined claims is corrected. There being no prior art rejections, Applicant has amended claims 1 and 10 in order to secure the allowance of all of claims 1-13.

### ***Election/Restriction***

The Examiner notes Applicants' election of Species III in the reply filed on November 11, 2005 and Applicants' identification of claims 1, 4 and 10 as corresponding to the elected species. The Examiner further notes that there is no allowable generic or linking claim. However, claim 1 is the only independent claim in the application and, if it is allowed, all of the other claims are allowable, subject to any indefiniteness or other issues under Section 112. Thus, since Applicants have remedied identified issues under Section 112, all claims would be allowable.

### ***Claim Rejections - 35 U.S.C. § 112***

**Claims 1, 4 and 10 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.** This rejection is traversed for at least the following reasons.

The Examiner identifies the term "softer" in claim 1 and asserts that it is a relative term and is indefinite because there is no standard provided for ascertaining the requisite degree of softness. The Examiner indicates that the term "softer" appears to relate to the flexural elastic modulus of the material and the Izod impact strength, but notes that the table at page 26 of the specification is confusing as to the meaning of "softer" in the relationship of the materials. Specifically, the table refers to the Izod impact strength being much greater in the backing member, which is to be softer, than in the instrument panel, which is to be harder. The Examiner believes that the results are the opposite of the known reasoning of the Izod impact notch test.

The disclosure related to the claimed feature is found at paragraph [0053] and establishes a measure of softness by flexural elastic modulus. There, an outside maximum for the backing material is identified as being 612 Mpa and a desired maximum is identified as being 459 Mpa. The example given in paragraph [0053] identifies a flexural elastic modulus of 268 Mpa and

Examples I, II and III in the table at page 26 identify a flexural elastic modulus for the backing material as being 250 Mpa. The table compares the flexural elastic modulus of the backing to that of the material for the instrument panel, and shows the backing material is lower (softer).

As to the difference between “Izod impact strength” (a value of Izod impact test) and “hardness,” Applicant notes as follows.

The magnitude of destruction energy in Izod impact test relates to “brittleness” and is different from “hardness” employed in the present invention. Izod impact test can check whether an examined material has a sensitive characteristic (the magnitude of a notch sensibility) with respect to the concentration of destructive energy. For example, it is commonly known that the resin including inorganic filler (typically glass fiber) with a high ratio is very hard (that is, the destructive energy of the resin is low). Further, the notch sensibility of the resin is generally high. In contrast, a material having rubber-like elasticity performs the characteristics inverse of those of the above-discussed resin including inorganic filler. That is, the flexural elastic module of the elastic material is low, the Izod impact strength thereof is high, and the notch sensibility thereof is low. If the elastic material is extremely soft like as rubber, such a material is not broken by Izod impact test, and it becomes impossible to measure the Izod impact strength thereof.

The claim has been modified to refer to the flexural elastic modulus as a measure of softness.

Claim 10 is considered unclear because the term “the surface direction” has no antecedent basis. Applicant has amended the claim to cure this basis for rejection.

#### ***Allowable Subject Matter***

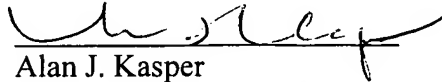
The Examiner finds all of claims 1-13 allowable over the prior art. On the basis of the amendments made to claims 1 and 10, all of these claims now should be allowed.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. § 1.111  
U.s. Application No. 10/667,376

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Alan J. Kasper  
Registration No. 25,426

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: March 7, 2006